

REMARKS

This application pertains to novel polysiloxane compositions which cross-link by condensation.

The specification, at page 6, line 8, is being amended to correct an obvious typographical error. The fact that "diorganosilyl" should have been -- diorganoalkoxysilyl-- can be seen from line 3 of page 6, as well as from page 14, line 2. Accordingly, no new matter is being added by this correction.

The claims now pending are claims 1 - 13. Claims 11 and 12 have been withdrawn from consideration as drawn to non-elected subject matter, so the claims under examination are claims 1 - 10 and 13.

The Examiner has imposed a restriction requirement between claims 1 - 10 and 13 (denoted Group I) and claims 11 and 12 (denoted Group II). Applicants provisionally elected Group I (claims 1 - 10 and 13), and now affirm that election. Applicants reserve the right to file and or more divisional application drawn to the non-elected subject matter.

Claims 1 - 10 and 13 stand rejected under 35 USC 112, first paragraph, for use of the term "substituted", without further definition. The claims have now been amended to obviate this rejection, and the rejection should therefore be withdrawn.

Claims 1 - 10 and 13 stand rejected under 35 USC 112, second paragraph for various reasons more specifically indicated in the office action. The claims, as now amended, are believed to obviate

each of the reasons given for this rejection and the rejection should therefore now be withdrawn.

Turning now to the art rejections, claims 1 - 10 and 13 stand rejected under 35 USC 103(a) as obvious over Wakabayashi in view of Kimura.

The Wakabayashi compositions differ from those claimed in the present application primarily in the type of polymer concerned, since organic polymers and not polysiloxanes are used.

The problems encountered with polysiloxanes differ in many respects from those known for organic polymers, and a totally different approach is required. The problem of stability in storage on which the present application is based and which is due to the cleavage of the Si-O-Si bonds does not exist in the case of polyethers.

Thus, a person of ordinary skill in the art would not have considered consulting such a reference for finding a solution to the problem at hand.

Nor is the problem concerned solved by the Kimura reference. In this reference diorganopolysiloxanes are described which have a totally different composition than those described in the present application. In the mixture described in Kimura, the polydiorgano siloxane can by all means be replaced by polyoxalkylene. This, however, does not mean that diorganopolysiloxanes and polyoxyalkylenes can be substituted for each other in other totally different compositions. Those skilled

in the art would, in fact, understand the contrary to be true - they are not equivalent.

Accordingly, the rejection of claims 1 - 10 and 13 under 35 USC 103(a) as obvious over Wakabayashi in view of Kimura should be withdrawn.

Claims 1 - 10 and 13 stand rejected under 35 USC 103(a) as obvious over Schiller in view of Sattlegger.

Schiller describes sealants containing different crosslinking agents. Sealants must be firmly fixed, i.e. they must not flow out of the joints concerned after being applied. For this purpose phosphoric acid esters are added in Schiller. The term stability employed in Schiller is thus concerned with rheology, whereas in the present application Applicants improve storage stability with a completely different crosslinking agent, i.e. even after a long period of storage Applicants material crosslinks effectively on being discharged from the cartridge.

Nor does the problem of storage stability arise in relation to the Sattlegger mixtures. As in the Innertsberger reference, the phosphoric acid esters are only used as plasticizers.

Thus, no person of ordinary skill in the art would have found a solution to the problem on which the present invention is based either in the individual cited documents or in any combination thereof.

The rejection of claims 1 - 10 and 13 under 35 USC 103(a) as obvious over Schiller in view of Sattlegger should therefore now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1 - 10 and 13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 02-1445.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess,
to Deposit Account No. 02-1445.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231 on April 13, 1998.

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By William A. Lee

Date 4/13/98